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STATE FOR ISN/CB, VCI/CCB, L/ACV, IO/S
SECDEF FOR OSD/ISP
JOINT STAFF FOR DD PMA-A FOR WTC
COMMERCE FOR BIS (GOLDMAN)
NSC FOR DICASAGRANDE
WINPAC FOR WALTER

E.O. 12958: N/A

TAGS: [PARM](#) [PREL](#) [CWC](#)

SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): WRAP-UP FOR
WEEK ENDING APRIL 28

This is CWC-37-06.

U.S. EXTENSION REQUEST

¶1. (U) Feedback has been fairly limited on the U.S. 100% extension request. In WEOG, delegations have generally been very supportive of U.S. transparency, and grateful for the presence of DASA Ormond to answer initial program questions. A notable exception was Norway, who (claiming she was speaking on instructions from Oslo) expressed great disappointment in U.S. delays and concern about the opening this might create for "mischief makers," even going so far as to suggest that WEOG might not necessarily speak with one voice on this issue.

¶2. (U) GRULAC reaction is not yet clear, but will likely center on Article VII implications. If initial South African comments are any indication, the Africa Group reaction may be more emotional. Ambassador Mkhize expressed shock, disappointment and concern that a large and powerful nation like the U.S. is unable to meet its fundamental treaty obligations. In the Asia Group, del has heard informal feedback that the U.S. extension request was met with delight by Iran. India has also made comments regarding "double standards," and will likely be quick to link destruction and Article VII obligations.

¶3. (U) The Eastern European Group has also been quite supportive of U.S. efforts and transparency. Russia has desisted in its line of "legality" questioning, and has turned to inquiring about U.S. plans to table a draft decision instead. Russian del stated Moscow had not initially intended to table a draft decision for their extension at the May EC, but seemed to believe U.S. plans might be influential.

¶4. (U) One common (and potentially damaging) theme that has arisen is the perceived message that the U.S. has already closed out certain courses of action as inappropriate. This is based primarily on U.S. categorization of calls for amendments as "premature," without offering any alternative approaches. (Del comment: Recommend focusing responses on the responsibility of all member states to contribute to a

consensus decision when the time is right, and avoiding categorical dismissal of any specific solutions to the 2012 problem. End comment.) Finally, several delegations (China, Algeria) have already noted that, given the inevitable linkage that will be made between CW destruction and Article VII obligations, the U.S. needs to temper its approach to Article VII implementation and compliance.

EXTENSION REQUESTS

15. (U) Russia submitted its "Amended Detailed Plan for Destruction" (considered by Moscow to be the only submission required by the CWC prior to April 29, in light of its previous request to extend "in principle" its 100% destruction deadline to April 29, 2012). A copy of the original submission, in Russian, has been provided to Washington, and the Technical Secretariat anticipates distributing a translated version before May 5. Japan and China also submitted their joint extension request, details of which will be included in the EC-45 scenesetter.

ARTICLE VII

16. (U) At the request of several delegations, no consultation was held this week. Del rep was contacted by Amb. Lak regarding the desire to gather those that have participated in Technical Assistance Visits to share progress, particularly that of the visited States Parties since the TAVs. He was finding that only the U.S. delegation had such staff on hand. He is now looking at holding such a

meeting next week to hopefully have experts in from capitals who may have participated in TAVs. All of this seems to indicate the significant level of effort by the U.S. in this area when compared with other SPs. The next meeting on May 2 will be to start working on report language.

17. (U) At a representational event during the week, del rep was approached by the Argentinean delegate who in a somewhat exercised state, said that she was very concerned about USG efforts to kill regional workshops to promote TAVs. She said that this had been a major topic of conversation at that week's GRULAC meeting. Del rep assured her that we did not advocate an "either -- or" approach concerning TAVs and were not opposed to regional meetings, but simply wanted to be assured by the TS that adequate resources would be available for TAVs. She seemed to be reassured by this. Amb. Javits has made this clear to the Ambassador of Uruguay, and del reps will be reiterating this point with other GRULAC delegations. This "concern" in GRULAC may be the result of the efforts by some in the TS who are resistant to TAVs spreading the word that the USG favors the elimination of all regional workshops in favor of TAVs.

18. (U) At the same rep event, the Algerian delegate told del rep that while he found the U.S. extension request presentation very credible and compelling, it highlighted the need for us to soften our tone a bit on Article VII to avoid looking hypocritical. According to the Algerian, we now need to show a bit more carrot and less stick in our statements. The message from the Algerians seemed clearly to be "push your message but moderate your tone a bit."

LATE DECLARATIONS

19. (U) The TS released its regular report on the latest round of industry declarations on April 25 (S/567/2006, dated 25 April 2006). It shows that many SPs did a much better job of getting their declarations in on time, but there is significant work yet to do. It also shows that two SPs submitted nil declarations, which has been a trend over the last couple of cycles. With this in hand, del rep has

prepared the first facilitator's paper for the late declarations consultation, which included a concept paper on nil declarations (based on previously interagency-cleared language), and sent it to the TS for distribution. This will be used as the basis for the kick-off meeting on Wednesday, May 3.

CHALLENGE INSPECTION

¶10. (U) Challenge inspection consultations were held on April 27, facilitated by Kang Yong (PRC). At the previous session, delegations seemed to agree that tackling the "unresolved issues" might be a productive approach to future consultations. In keeping with this sentiment, Kang circulated a draft decision (C-IV/DEC/CRP.17, dated June 25, 1999) on the timing of notifications, and opened the session by explaining that he did not necessarily expect consensus on this particular text, but believed it would be a good basis for discussion.

¶11. (U) Per Runn, head of Policy Review Branch, offered TS thoughts on the issue, highlighting the fact that initial discussions took place in the absence of Inspectorate experience, which has increased significantly over the years. Runn explained the TS perspective of wanting to receive the specific location as soon as possible from the Requesting State Party, and also implied (despite earlier conversations), that practical interpretation of the CWC might actually give rise to a "split notification" scenario (transmission of the Challenge Inspection Request to the Inspected State Party, followed by later notification of the location). Finally, Runn expressed TS concern over language in the decision that seemed to create a conflict with guidelines set out in Article IX and Part X of the

Verification Annex.

¶12. (U) General discussions centered on likely practical scenarios following a CI Request. Most delegations agreed that an Inspected SP would be aware almost immediately of any request, whether through its position on the Executive Council, requests for clarification or other political indicators, or simply rapid spreading of the information throughout the fairly small OPCW community. Del rep pointed to the consistent message in Article IX and Part X that the Director General would execute his duties under the CI in an expeditious manner, and inquired as to what delegations thought might have been the real issue the decision had been drafted to clarify or resolve.

¶13. (U) Norway and the Netherlands also spoke in support of the idea that in practical terms, the element of surprise would be difficult to retain, and suggested that a CI exercise involving the EC might be useful. Germany finally proposed dropping the draft decision instead including in report language at an upcoming EC a recommendation to drop "timing of notifications" from the list of unresolved issues. The proposal was widely supported by delegations, with the notable exception of Iran.

¶14. (U) The only delegation who spoke out in favor of the decision was Iran, who seemed quite intent upon reaching consensus on this particular topic, and removing it from the list of unresolved issues. Iran was later the only delegation to express support for the concept of adjusting notification timelines for public holidays, working hours, etc. Iran's remarks seemed, in general, to be meant to imply that additional language or guidelines are necessary before the CI can be considered a viable tool under the CWC. Del rep, supported by the UK and Italy, spoke out against this concept and expressed the view that the CI, while complex, is adequately outlined by provisions in the CWC.

¶15. (U) In conclusion, Kang reviewed points discussed, but did not elaborate on a way forward for this particular issue, or consultations in general. In sidebar discussions

following the meeting, the UK was particularly concerned that Iran not be given this decision, in light of its obstructionist role in almost all current consultations. Canada noted that any decision would be purely political; in its view, the decision is clearly unnecessary, and would only be useful as political leverage with Iran.

ARTICLE X

¶16. (U) The TS Article X Software Developer, Frans Meijer, presented the database to delegations on April 28. The meeting was widely attended by delegations across all regional groups. The database is clear and concise, easy to read and easy to navigate. A facet of the database delegations found interesting is when clicking into the offers of assistance window, there is the option to see a PDF of the original offer document. When he showed courses that have been offered by the TS over past years, he pointed out that with a little development the TS could put out on the website information for upcoming courses, with registration applications and applicants could get their approval/denial via email. The database has an interesting section where a user can search for articles and books on specific topics, and the user can get copies of the articles, but not books (copyright issues).

¶17. (U) The developer noted the TS needs details from SPs on other information to be included in the database. They were given suggestions, such as from Iran, that even though there is only one bilateral agreement, this information should be included in the database. The developer tried to explain he could not set up an accurate format without more agreements to work from, however, delegations got him to concede the format is a relatively easy thing to change. Iran was obviously working from a political point of view as it has the only bilateral agreement, but other delegations including

the UK and Italy agreed it should be added. Iran and Austria asked about putting in a section on protection equipment on the market and their manufacturers. France reminded them that paragraph 5 is very generic, that its information to be provided by SPs. Iran wanted a search function with the adaptability of Yahoo or Google, however the TS and other delegations noted that this was impossible given the organization's budget.

¶18. (U) Italy was concerned that in the current form the general overview page shows who has completed their National Program and Offers of Assistance questionnaires and when. France pointed out that it is just information and there is no attempt to make it into an analytical document. Japan said after the sarin gas attack in Tokyo, it created a list of toxins and medications. They suggested adding a similar section in the database. (Comment: Del rep believes this idea fits the parameters of an Assistance and Protection Database and would welcome comments from Washington.)

¶19. (U) John Makhubalo Director of International Cooperation and Assistance, laid out information the TS needs from SPs in order to get the database out. First, decide what information needs to go into the database. Second, decide who will have what kind of access. He suggested the public could have access to general assistance and protection information and SPs and National Authorities have everything else.

¶20. (U) Emma Gordon (UK) mentioned prior to the meeting that Frans Meijer told her that he would be leaving soon, but she was unaware if it was his choice or that of the TS. Previously, the TS had indicated his contract ran through the end of the year. During discussions, Makhubalo said the TS is attempting to fill a P-4 position in ABP who would be in charge of the database. Del rep will attempt to gain clarity on this. After the presentation, the UK said it believed their original decision language on the database is still

valid. However, del rep noted that SPs cannot ask the TS to adhere to a deadline they cannot meet without information they need from SPs (information to be included and who will have access to the database).

¶21. (U) There is a possibility of consultations on May 12, with the topic to be a briefing on the Joint Assistance Exercise 2005.

REPAYMENT PLANS

¶22. (U) Consultations on Repayment Plans for States Party to regularize their arrears were held on April 26. The facilitator Jae-woong Lee (ROK) distributed a new proposal (faxed to ISN/CB on April 28) in an attempt to get delegations to focus on the mechanisms to be incorporated into possible repayment plans. All delegations, with the exception of Italy, were supportive of the document as a basis for discussion and for possible decision language. The Italian delegation asked again why SPs that were in arrears but had not yet lost their voting rights were not addressed in the co-facilitator's proposal. Lee explained that at the last consultation there had been a general consensus that any repayment plan would only address SPs that had lost their voting rights.

¶23. (U) Delegations then reviewed paragraphs A through J of the facilitators' proposal. In paragraph A, both the U.S. and Japan suggested that some reference to the CSP having the final authority to approve repayment plans should be included in the language. The German delegation suggested that the language in paragraph A be modified so that the reference to restoring voting rights be moved to the second part of the paragraph, and the first part of the paragraph refer to the submission of the repayment plans themselves. The Germans were keen to emphasize, once again, that there should be a two-step process in which the repayment plans are approved first and then the issue of restoring voting rights would be addressed.

¶24. (U) The Germans also suggested that the references to repayment plans being "mandatory" for the restoration of voting rights be deleted, as there may be cases in which the CSP wishes to restore voting rights independent of a repayment plan as laid out already in the CWC. Japan, Italy, Iran, and China supported the German suggestion. The facilitator said he would redraft paragraph A to address delegation's concerns.

¶25. (U) Australia and Ireland suggested deleting paragraph B as it would micromanage the TS. They also suggested that the reference to submitting a detailed description of the conditions/reasons that caused the arrears to accumulate be moved to an appropriate part of either paragraph A or H.

¶26. (U) Del rep supported the retention of paragraph C. Japan and Italy suggested that the word "negotiating" be changed as it was too strong. Australia suggested that the paragraph could possibly be deleted as it was too process oriented and would result in micromanagement of the TS by SPs.

¶27. (U) Del rep and China suggested the deletion of paragraph D. No one opposed. There were no substantive comments on paragraph E.

¶28. (U) On paragraph F, Iran suggested that the payments be spread evenly over the payment period. Iran also questioned making an exception to financial regulation 5.6C that would allow the first payment to be credited towards an SPs current year assessment. France strongly supported paragraph F and questioned whether or not SPs would have an incentive to pay if their first payment was not credited towards the current year's assessment. Japan, the U.S. and Germany supported the French view.

¶29. (U) The facilitator noted that he would redraft paragraphs G and H to bring them in line with his redrafting of paragraph A.

¶30. (U) Iran and Italy opposed paragraph I. The U.S. suggested that the CSP approval of a given repayment plan could outline what would happen (i.e. loss of voting rights) if an SP fell behind on its repayment plan. Australia supported the U.S. China suggested that the CSP make a decision if an SP were to become delinquent on its repayment plan.

¶31. (U) The U.S. Iran, China, Germany, and Italy were opposed to paragraph J. The facilitator agreed to drop the paragraph. The next consultation on repayment plans will be held after the May EC, at which the facilitator will present his redrafted proposal based on dels comments.

¶32. (U) Javits sends.
ARNALL